

**REMARKS**

These remarks are in response to the office action mailed December 2, 2004. Claims 1, 3, 55 and 59 have been amended. Support for the amendments can be found throughout the specification as filed. No new matter is believed to have been introduced.

**I. REJECTION UNDER 35 U.S.C. §103**

Claims 1-3 and 11-24 stand rejected under 35 U.S.C. §103 as allegedly being unpatentable over Keller *et al.* in view of Mitrovics *et al.* Applicants respectfully traverse this rejection.

Applicants respectfully submit that the references individually or combined do not teach or suggest each and every element of Applicants' claimed invention. For example, the Examiner admits that Keller *et al.*, do not teach or suggest the elements listed in the Office Action on page 3, lines 11-13; and page 7, lines 19-20, nor does Keller *et al.* teach or suggest an electrically conductive sensor (see, *e.g.* the Office Action at the paragraph bridging page 5-6). For example, neither Keller *et al.* nor Mitrovics *et al.* teach or suggest an electrically conductive sensor comprising a composite of two compositionally different materials or a transmission method selected from the internet, fiber optic cable, and air-wave frequencies.

Accordingly, Applicants respectfully request withdrawal of the §103 rejection over Keller *et al.*, in view of Mitrovics *et al.*

Claims 4-10 stand rejected under 35 U.S.C. §103 as allegedly being unpatentable over Keller *et al.*, in view of Mitrovics *et al.*, and further in view of Nagle *et al.* Applicants respectfully traverse this rejection.

The combination of Keller *et al.* in view of Mitrovics *et al.*, and further in view of Nagle *et al.* do not set forth a *prima facie* case obviousness as the combination of the references does not teach or suggest each and every element of Applicants' claimed invention.

The Office Action alleges at page 6 that Nagle *et al.* teaches an electrically conductive sensor comprising "regions of a conductive material and a conductive material compositionally different than the conductive material. . . ." Applicants respectfully disagree.

Nagle *et al.* teach and suggest ONLY two types of conductive sensor: (1) one type is a metal oxide material; and (2) another types is a polymer material (see Nagle *et al.* at page 25, "Starring the array," paragraph 2). The Examiner is further directed to the legend of Fig. 2 on page 25, which states, "In a conductivity sensor, the usual active material is metal oxide or a conductive polymer. . . ." Accordingly, none of the sensors taught or suggested by Nagle *et al.* comprise composites of two compositionally different materials.

Furthermore, Nagle *et al.* actually teaches away from polymer sensors at page 25, column 2, lines 17-30, because polymer sensors are difficult and time-consuming to electropolymerize, have undesirable variations from batch to batch, their responses "drift over time", and they are highly sensitive to water vapor rendering them susceptible to humidity. Thus, Applicants submit that one of skill in

the art would view polymeric sensors as undesirable and thus would not be inclined to use them in an array.

As discussed above, neither Keller *et al.* nor Mitrovics *et al.* teach or suggest electrically conductive sensors comprising a composite of compositionally different materials in a sensor. Nagle *et al.* do not remedy the deficiencies of Keller *et al.* and/or Mitrovics *et al.* as Nagle *et al.* also fails to teach or suggest each and every element of Applicants' independent claims. Thus, the combination of references fails to teach or suggest each and every element of Applicants' claimed invention. Accordingly, Applicants respectfully request withdrawal of the §103 rejection over the combination of Keller *et al.*, in view of Mitrovics *et al.*, and further in view of Nagle *et al.*

Claims 55-59 stand rejected under 35 U.S.C. §103 as allegedly unpatentable over Keller *et al.*, in view of Mitrovics *et al.* and further in view of Nagle *et al.* Applicants respectfully traverse this rejection and incorporate the arguments of above.

As discussed above, neither Keller *et al.* nor Mitrovics *et al.* teach or suggest electrically conductive sensors comprising a composite of compositionally different materials in a sensor. Nagle *et al.* do not remedy the deficiencies of Keller *et al.* and/or Mitrovics *et al.* as Nagle *et al.* also fails to teach or suggest each and every element of Applicants' independent claims. Thus, the combination of references fails to teach or suggest each and every element of Applicants' claimed invention. Accordingly, Applicants respectfully request withdrawal of the §103 rejection over the

combination of Keller *et al.*, in view of Mitrovics *et al.*, and further in view of Nagle *et al.*

No fee is believed to be due for consideration of the present response.

Please apply any other required fees or credit any overpayment to Deposit Account  
No. 02-4800.

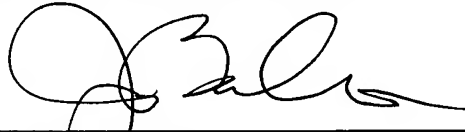
Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date:

3/1/05

By:



Joseph R. Baker, Jr.  
Registration No. 40,900

Suite 400  
402 W. Broadway  
San Diego, CA 92101-3542  
(619) 446-5600